

closure and post-closure care activities, including decontamination and removal procedures during closure, and (3) developing closure and post-closure cost estimates.

Section 13.0 describes the information that must be provided in the Part B permit application for the storage or treatment of ignitable, reactive or incompatible waste. For example, this section recommends the general precautions that should be taken in the handling, storage or treatment of these wastes, such as establishment of protective distances between the storage/treatment tank and public ways, streets and alleys.

J.W. McGraw,

Acting Assistant Administrator.

[FR Doc. 87-459 Filed 1-8-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59198C; FRL-3140-7]

#### Certain Chemical; Extension of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** This notice announces EPA's extension of the test marketing period of a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-85-53. The new test marketing conditions are described below.

**EFFECTIVE DATE:** December 22, 1986.

**FOR FURTHER INFORMATION CONTACT:** Eileen Gibson, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Environmental Protection Agency, Room E-609, 401 M St. SW., Washington, DC 20460, (202-382-3394).

**SUPPLEMENTARY INFORMATION:** Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may improve restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby extends TME-85-53. EPA has determined that test marketing of

the new chemical substance described below, under the conditions set out in the original TME application and extension request, and for the time periods and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, use, and number of customers must not exceed those specified in the original application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME-85-53. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the Company shall maintain the following records until 5 years after the dates they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA.

1. The applicant must maintain records of the quantity of the TME substance produced.
2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment.
3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

#### T-85-53

*Date of Receipt:* June 20, 1985.

*Notice of Receipt:* June 28, 1985 (50 FR 26840).

*Applicant:* CP Chemicals, Inc.

*Chemical:* (S) Copper (2+) methanesulfonate.

*Use:* (S) Copper salt in electroplating operations.

*Production Volume:* 4,545 kilograms.

*Number of Customers:* Six.

*Worker Exposure:* Manufacture: A total of 4 workers at 1 site for up to 3 hours per day, 20 days per year. Use: A total of 6 workers per site, at 6 sites for up to 8 hours per day, 28 days per year.

*Notice of Approval of Test Marketing Exemption:* August 6, 1985 (50 FR 31770).

*Original Test Marketing Period:*

Twelve months.

*First Modified Test Marketing Period:* Six months.

*Commencing On:* May 8, 1986.

*Second Modified Test Marketing*

*Period:* Three months.

*Commencing On:* December 22, 1986.

*Risk Assignment:* EPA identified no significant health or environmental concerns. Therefore, the test market substance will not present any unreasonable risk of injury to health or the environment.

*Public Comments:* None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its findings that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: December 22, 1986.

Charles L. Elkins,

Director, Office of Toxic Substances.

[FR Doc. 87-455 Filed 1-8-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59188D; FRL-3140-5]

#### Certain Chemical; Extension of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** This notice announces EPA's extension of the test marketing period of a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-85-32. The new test marketing conditions are described below.

**EFFECTIVE DATE:** December 22, 1986.

**FOR FURTHER INFORMATION CONTACT:** Eileen Gibson, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Environmental Protection Agency, Room E-609, 401 M St., SW., Washington, DC 20460, (202-382-3394).

**SUPPLEMENTARY INFORMATION:** Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby extends TME-85-32. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the original TME application and extension request, and for the time periods and restrictions (if any) specified below, will not present any

unreasonable risk of injury to health or the environment. Production volume, use, and number of customers must not exceed those specified in the original application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restriction apply to TME-85-32. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the Company shall maintain the following records until 5 years after the dates they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA.

1. The applicant must maintain records of the quantity of the TME substance produced.
2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment.
3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

#### T-85-32

*Date of receipt:* March 19, 1985.

*Notice of receipt:* March 29, 1985 (50 FR 12626).

*Applicant:* CP Chemicals, Inc.

*Chemical:* (S) Lead methanesulfonate.

*Use:* (S) Lead salt in electroplating operations.

*Production volume:* 10,000 pounds

*Number of customers:* Six.

*Worker exposure:* Manufacture:

Dermal and inhalation, a total of up to 3 workers, up to 2 hrs per day for up to 20 days per year each. Use: Dermal and inhalation, a total of up to 6 workers, up to 8 hours per day for up to 28 days per year each.

*Notice of Approval of Test Marketing Exemption:* May 7, 1985 (50 FR 19228).

*Original Test Marketing Period:*

Twelve months.

*First Modified Test Marketing Period:* Six months.

*Commencing On:* May 8, 1986.

*Second Modified Test Marketing Period:* Three months.

*Commencing On:* December 22, 1986.

*Risk Assessment:* EPA identified no significant health or environmental concerns. Therefore, the test market substance will not present any unreasonable risk of injury to health or the environment.

*Public Comments:* None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its findings that the

test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: December 22, 1986.

Charles L. Elkins,

Director, Office of Toxic Substances.

[FR Doc. 87-453 Filed 1-8-87; 8:45 am]

BILLING CODE 6560-50-M

#### [OPTS-211020; FRL 3132-1]

### Polychlorinated Biphenyls (PCBs); Response to Citizen's Petition

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of response to citizen's petition.

**SUMMARY:** This notice responds to a citizen's petition submitted by Valley Watch, Incorporated (hereafter, Valley Watch) under section 21 of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2620). Valley Watch is petitioning the Administrator to issue an order under section 5(e) of TSCA prohibiting the manufacture, processing, distribution in commerce, use, or disposal of two chemical substances, (hereafter TF-1 and TF-2) which are to be processed by Unison at a proposed PCB disposal facility in Henderson, Kentucky. The petitioner requests that the order be implemented through the denial of an operating permit for the disposal facility until health effects testing of 1,2,4-trichlorobenzene and 1,2,4,5-tetrachlorobenzene is completed. The petitioner states that it has reason to believe that TF-1 and TF-2 contain these substances and that the test results on 1,2,4-trichlorobenzene and 1,2,4,5-tetrachlorobenzene must be available before EPA can make a determination with regard to the permitting of the Unison process at Henderson, Kentucky.

EPA is denying the petition because EPA does not have the authority under section 5(e) of TSCA to issue an order prohibiting the manufacture, processing, distribution in commerce, use, or disposal of these chemical substances. Section 5(e) applies only when EPA is reviewing a notice submitted under section 5(a) for a new chemical substance or for a significant new use of a chemical substance. TF-1 and TF-2 are not "new chemical substances" under TSCA section 3(9), nor does the processing or use of TF-1 and TF-2 in the proposed PCB disposal process represent a "significant new use" of these substances.

**ADDRESSES:** Copies of the petition and all related information are located in: TSCA Public Information Office (TS-

793), Office of Toxic Substances, Environmental Protection Agency, Rm. NE-G004, 401 M St. SW., Washington, DC 20460.

They are available for review and copying from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St. SW., Washington, DC 20460. (202-554-1404)

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### A. Summary of Petition

On October 2, 1986, Valley Watch petitioned EPA under section 21 of TSCA to issue an order under section 5(e) of TSCA to prohibit the manufacture, processing, distribution in commerce, use, and disposal of two chemical substances which Valley Watch claims are to be processed at a planned PCB disposal facility in Henderson, Kentucky. An application for approval of a permit under TSCA section 6(e) for this planned facility was submitted by Unison and is pending before EPA Region IV. The petitioner believes that existing information about the two chemical substances, TF-1 and TF-2, is insufficient to allow EPA to evaluate adequately the chemicals' potential impact. Valley Watch states that it has reason to believe that TF-1 contains 1,2,4-trichlorobenzene and 1,2,4,5-tetrachlorobenzene and that TF-2 contains 1,2,4,5-tetrachlorobenzene. Further, Valley Watch requests that EPA deny an operating permit for this facility until the results of additional health effects testing of these chemicals is available (health effects testing of 1,2,4-trichlorobenzene and 1,2,4,5-tetrachlorobenzene was required by EPA in a TSCA section 4 test rule published in the *Federal Register* of July 8, 1986 (51 FR 24657)). Valley Watch requests that the section 5(e) order be implemented through the denial of an operating permit for the planned PCB disposal facility in Henderson, Kentucky.

Valley Watch petitioned the Administrator previously under section 21 of TSCA to take action to halt the construction of this same proposed PCB disposal facility. EPA denied this petition in a response published in the *Federal Register* of February 24, 1986 (51 FR 8423). EPA also denied a petition by Valley Watch to control the Henderson facility under the Resource Conservation and Recovery Act (RCRA) in a response published in the *Federal*

Register of December 3, 1986 (51 FR 43712).

### B. TSCA Section 21

Section 21 of TSCA provides that any person may petition the Administrator of EPA to initiate a proceeding for the issuance of rules under section 4 (rules requiring chemical testing), section 6 (rules imposing substantive controls on chemicals), or section 8 (information gathering rules). Also, section 21 authorizes a petitioner to request the issuance, amendment, or repeal of orders under section 5(e) of TSCA (orders affecting chemical substances covered under section 5(a) notifications) or section 6(b)(2) (orders affecting quality control procedures). Section 21(b)(3) requires that EPA grant or deny citizens petitions within 90 days of the filing of the petition (15 U.S.C. 2620(b)(3)).

If the Administrator grants a section 21 petition, the Agency must promptly commence an appropriate proceeding. If the Administrator denies the petition, the reasons for denial must be published in the **Federal Register**.

If EPA denies the petition within 90 days of the filing date, or fails to grant or deny within the 90-day period, the petitioners may commence a civil action in a Federal district court to compel the Agency to initiate the requested action. This suit must be filed within 60 days of the denial, or within 60 days of the expiration of the 90-day period if the Agency fails to grant or deny the petition within that period (15 U.S.C. 2620(b)(4)).

In the case of a section 21 petition which requests an order under section 5(e), EPA may grant the petition only if EPA determines that the chemical substance is subject to section 5(e) jurisdiction, that available information is insufficient to evaluate the health or environmental effects of the substance, and that either the substance may present an unreasonable risk of injury to health or the environment or the substance is or will be produced in substantial quantities and there is or may be substantial or significant human exposure or substantial environmental release (15 U.S.C. 2604(e)(1)(A)).

## II. Response to Petition

### A. Summary of Response

The Valley Watch petition requests that EPA issue a TSCA section 5(e) order prohibiting the manufacture, processing, distribution in commerce, use, or disposal of TF-1 and TF-2. Valley Watch requests that the order be implemented through the denial of an operating permit for the Unison plant in

Henderson Kentucky (until health effects testing of 1,2,4-trichlorobenzene and 1,2,4,5-tetrachlorobenzene is completed and considered by EPA).

EPA denies this petition because the petitioner has not in this instance requested relief which EPA can properly grant under TSCA section 5(e). EPA has jurisdiction to issue a section 5(e) order only with respect to a substance subject to the section 5(a) notification requirements, and in this instance, these notification requirements are not applicable. Nor does the requested relief involve issuance, amendment, or repeal of a rule under section 4, 6, or 8 or an order under section 6(b)(2).

However, EPA recognizes the concerns of the petitioners for the public health of the surrounding community and is committed to a thorough assessment of the risks (and benefits) of the facility in the context of its review of Unison's application for a PCB disposal permit.

### B. Basis for Denial: Limitations on Section 5(e) Authority

The Valley Watch petition expresses a concern that two chemical substances, TF-1 and TF-2, which are to be processed at the Henderson, Kentucky facility will present an unreasonable risk. The petitioner relies exclusively upon TSCA section 5(e) as grounds for relief under section 21. The petitioner requests the issuance of a section 5(e) order which would prohibit the manufacture, processing, distribution in commerce, use, or disposal of TF-1 and TF-2. Since TF-1 and TF-2 are proposed to be processed at the Henderson, Kentucky facility, such an order would result in EPA denying an operating permit for the facility. EPA denies the petition because the petitioner has not alleged circumstances under which section 5(e) can be used.

First, section 5(e) does not apply to all chemical substances; rather, the provision applies only to those chemical substances with respect to which a notice is required by section 5(a). Section 5(a) requires persons who intend to manufacture or import a "new chemical substance," (or, who intend to manufacture, import, or process a chemical substance for a use which has been designated by EPA by rule as a "significant new use") to notify EPA at least 90 days before any such activity begins (15 U.S.C. 2604(a)(1)). TSCA defines a "new chemical substance" in section 3(9) as a substance not included on the inventory compiled under section 8(b). Under TSCA section 5(a)(2), EPA has authority to designate potential new uses of chemical substances as "significant new uses." Such a

designation is made through rulemaking after EPA has considered the statutory factors enumerated in section 5(a)(2). In this instance, however, the components of TF-1 and TF-2 are not "new chemical substances." Nor are these components subject to any "significant new use" rules.

EPA understands that the petitioner is speculating as to the precise chemical components in the materials identified as TF-1 and TF-2. This circumstance arises from the claim to business confidentiality asserted by Unison under TSCA section 14 and EPA's regulations in 40 CFR Part 2 with regard to the composition of TF-1 and TF-2. Nevertheless, EPA has in its files the identities of the TF-1 and TF-2 components.

EPA has determined that all the chemical substances comprising TF-1 and TF-2 are contained in the section 8(b) inventory of existing chemical substances compiled by EPA. Thus, TF-1 and TF-2 do not contain any "new chemical substances" subject to section 5(a)(1)(A) premanufacture notification. Likewise, the use of the chemical substances in TF-1 and TF-2 as organic solvents or dielectric fluids is not subject to a rule designating such uses as "significant new uses," and thus, would not give rise to section 5(a)(1)(B) significant new use notification requirements. Because TF-1 and TF-2 and their components are not subject to any section 5(a) notification requirements, TF-1 and TF-2 cannot be the subject of a proposed order under section 5(e)(1).

### C. Other Considerations

EPA has also considered whether this petition could be read as seeking some action by EPA, properly within the bounds of section 21, other than issuing an order under section 5(e). The ultimate action requested in the petition is the denial of an operating permit for the Unison plant in Henderson, Kentucky. EPA is considering Unison's request for such a permit in accordance with its PCB disposal regulations in 40 CFR 761.60(e). Under those regulations, EPA's consideration, and approval or denial, of alternate methods for PCB disposal is accomplished through an administrative proceeding, not rulemaking. Section 21 is limited to petitions for issuance, amendment, or repeal of rules under sections 4, 6, and 8 and orders under sections 5(e) and 6(b)(2). Denial of the Unison permit request does not fall under any of these categories.

However, during its consideration of the Unison request, EPA has accepted public comments and has held public

hearings to obtain the views of interested persons and groups. EPA is considering all matters raised in public comments and other related petitions, before granting or denying the requested permit.

### III. Official Record for the Petition

The following documents constitute the record for this action:

1. Record to Citizen's for Healthy Progress and Valley Watch Initial Petitions.

2. Valley Watch Petition, dated October 2, 1986.

The record is available for review in Rm. NE-G004 at the Headquarters' address given above.

Dated: December 31, 1986.

Lee M. Thomas,  
Administrator.

[FR Doc. 87-456 Filed 1-8-87; 8:45 am]

BILLING CODE 6560-50-M

### [ER-FRL-3140-8]

#### Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements Filed December 29, 1986 Through January 02, 1987 Pursuant to 40 CFR 1506.9.

EIS No. 860525, DSuppl, FHW, IA, Des Moines CBD Loop Arterial Construction, Harding Road and 19th Street to Fleur Drive And Fleur Drive to SE 14th Street/US 65/US 69, Polk County, Due: February 23, 1987, Contact: H.A. Willard (515) 233-1664.

EIS No. 860533, DSuppl, IBR, ND, Garrison Diversion Unit, Pick-Sloan Missouri Basin Program, Multipurpose Water Project, Construction and Operation, Plan Modifications, Due: February 28, 1987, Contact: Timothy Keller (701) 255-4011 ext. 541.

EIS No. 860534, FSuppl, FHW, WA, Pasco and Kennewick Cities, Intercity Steel Truss Bridge Demolition, Columbia River, Franklin County, Due: February 9, 1987, Contact: Paul Gregson (206) 753-2120.

EIS No. 860536, Draft, FHW, CA, I-5/Santa Ana Freeway Widening and Interchanges Reconstruction, CA-22/57 Interchange to CA-55, Orange County, Due: March 15, 1987, Contact: C. Gleen Clinton (916) 551-1310.

EIS No. 860537, DSuppl, NRC, PA, Three Mile Island Nuclear Power Station, Unit 2, Decontamination and Disposal of Radioactive Wastes, Disposal of Accident Generated Water, Dauphin County, Due: February 28, 1987,

Contact: Michael Masnik (301) 492-7743.

EIS No. 860538, Draft, CDB, NY, Metrotech Site Development Project, Construction and/or Rehabilitation UDAG, Kings County, Due: February 23, 1987, Contact: Ann Weisbrod (212) 619-5000.

EIS No. 870000, DSuppl, COE, MI, Clinton River Federal Navigation Channel, Confined Disposal Facility Construction for Maintenance Dredging, Updated Information, Macomb County, Due: February 23, 1987, Contact: Judy Limburg (312) 226-6752.

#### Amended Notice.

EIS No. 860524, DSuppl, CDB CA, Santa Maria Town Center expansion, Development, CDBG, Santa Barbara County, Due: February 17, 1987, Published FR 1-2-87—Incorrect status.

Dated: January 6, 1987.

Richard E. Sanderson,  
Director, Office of Federal Activities.

[FR Doc. 87-496 Filed 1-8-87; 8:45 am]

BILLING CODE 6560-50-M

### [ER-FRL-3140-9]

#### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared December 22, 1986 through December 26, 1986 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act (CAA) and Section 102(2)(c) of the National Environmental Policy Act (NEPA) as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076/73. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated February 7, 1986 (51 FR 4804).

#### Final EISs

ERP No. FS-COE-K36010-GU, Agana River Flood Control Improvements, Guam, SUMMARY: The final supplemental EIS adequately addressed the concerns EPA had raised on prior NEPA documents. EPA has no objections to the proposed improvements.

ERP No. F-FHW-F59001-MI, Detroit Travel Information Center Construction and Associated Roadway Improvements, Near I-75 and the Ambassador Bridge, Right-of-Way Acquisition, MI. SUMMARY: EPA has no objection to the proposed travel information center.

ERP No. RF-NOA-G91001-00, Red Drum Fishery of the Gulf of Mexico Fishery Mgmt. Plan, Off the Coasts of TX, LA, MS, FL, and AL. SUMMARY: EPA has no objection to the proposed action as described.

ERP No. FS-USN-C10002-NJ, Naval Weapons Station Earle Logistic Support Systems, Modernization and Expansion, Issuance of COE 404, 103, and 10 Permits, Project Modification, NJ. SUMMARY: EPA believes the final supplemental EIS adequately responds to concerns; accordingly, EPA has no objection to the project as proposed.

#### Amended Notice

The following review was completed during the week of December 15, 1986 through December 19, 1986 and should have appeared in the FR Notice published on January 2, 1987.

ERP No. FS-COE-L35012-WA, Puget Sound Area, Carrier Battle Group Homeporting, Everett Site, Construction and Operation, Section 10 and 404 Permits, WA. SUMMARY: EPA recommends that Phase I dredging and disposal be monitored to demonstrate confined aquatic disposal (CAD) in deep water is an effective disposal technology. Monitoring necessary to demonstrate CAD effectiveness should focus on the adjacent high value dungeness crab and bottom fish resource area. If monitoring demonstrates CAD effectiveness, Phase II dredging and disposal should be permitted as proposed. However, if CAD is shown to be ineffective, EPA recommends the Navy be prepared to modify its site and/or disposal processes.

Dated: January 6, 1987.

Richard E. Sanderson,  
Director, Office of Federal Activities.

[FR Doc. 87-497 Filed 1-8-87 8:45 am]

BILLING CODE 6560-50-M

### FEDERAL MEDIATION AND CONCILIATION SERVICE

#### Proposed Information Collection Submitted to OMB for Clearance

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) notice is hereby given of a proposed information collection from the public that was submitted to the Office of Management and Budget (OMB) for clearance. The collection will be in the form of a telephone survey.